

### **REMARKS/ARGUMENTS**

Claims 7, 31-32, 35-38, 40-41, 94-95, 101, 115-122 and 124-131 are pending in the present Application.

Claims 1-6, 8-30, 39, 42-93, 96-100, 102-104, and 123 were previously canceled. Claims 7, 31-32, 36-38, 40-41, 95, 101, 115-122, 125-128, 130-131 were previously presented. Claims 124 and 129 have been currently amended. Claims 132-137 have been withdrawn in this response. Claims 35 and 94 are Original Claims.

Claim 129 has been amended to point out examples of some of the specific cancers and neoplasia that can be treated by the present invention. Support for this amendment can be found on page 12, lines 19-31 of the original specification.

#### **I. Rejection of Claims 127-129 under 35 U.S.C. 112 , first paragraph**

The Office states that Claims 127-129 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a method of treating arthritis in Claim 126, does not reasonably provide enablement for a method of treating pain or cancer with the claimed compounds.

Applicants have amended Claim 127 by listing the specific cancers and neoplasia claimed in the present invention. These include colorectal cancer, brain cancer, bone cancer, epithelial cell-derived neoplasia (epithelial carcinoma) such as basal cell carcinoma, adenocarcinoma, gastrointestinal cancer such as lip cancer, mouth cancer, esophageal cancer, small bowel cancer and stomach cancer, colon cancer, liver cancer, bladder cancer, pancreas cancer, ovary cancer, cervical cancer, lung cancer, breast cancer and skin cancer, prostate cancer, and renal cell carcinoma, Barrett's esophagus, and familial adenomatous polyposis, and fibrosis. Support for this amendment is found on page 12, line 19 through page 13, lines 3 of the non-provisional Application.

Claims 127-129 now stand ready for examination and allowance on their merits.

## **II. Rejection of Claims 125-128 under 35 U.S.C. 112 , first paragraph**

Claims 125-128 have been rejected under 35 U.S.C. 112, second paragraph, because according to the Office, the Claims are indefinite for failing to particularly point out and distinctly claim the subject matter which The Applicant regards as the invention.

According to the Office, there is insufficient antecedent basis for the Claim limitation "inflammation-associated disorder" of Claim 125-128.

Claim 124 has been amended to recite "inflammation-associated disorder".

First, there is proper antecedent basis for Claims 125-128 which depend from Claim 124. In addition, there are numerous examples provided in the specification of inflammation-associated disorders. One of skill in the art could readily identify these numerous inflammation-associated disorders. For example,

In particular, lines 15-27 of page 10 describe uses of the present invention for inflammation-associated disorders:

The methods and compounds of the present invention would be useful for, but not limited to, the treatment of inflammation in a subject, and for treatment of other cyclooxygenase-2 mediated disorders, such as, as an analgesic in the treatment of pain and headaches, or as an antipyretic for the treatment of fever. For example, the methods and compounds of the invention would be useful to treat arthritis, including but not limited to rheumatoid arthritis, spondyloarthropathies, gouty arthritis, osteoarthritis, systemic lupus erythematosus and juvenile arthritis. Such methods and compounds of the invention would be useful in the treatment of asthma, bronchitis, menstrual cramps, preterm labor, tendinitis, bursitis, allergic neuritis, cytomegalovirus infectivity, apoptosis including HIV induced apoptosis, lumbago, liver disease including hepatitis, skin-related conditions such as psoriasis, eczema, acne, UV damage, burns and dermatitis, and from post-operative

inflammation including from ophthalmic surgery such as cataract surgery and refractive surgery.

Additional support can be found on page 11, lines 1-8, and 11-13. Further support for inflammation-associated disorders can be found on page 11 line 27 to page 12, line 7. Support for inflammation-associated disorders of the eye can be found on page 119, line 22 to page 120, line 10.

Therefore, because there is proper antecedent basis for Claims 125-128, the Applicants respectfully request that the rejection of Claims 125-128 under 35 U.S.C. 112, first paragraph be withdrawn, and the Claims be allowed to issue.

### **III. Obviousness-type Double Patenting Rejection**


Claims 7, 31-32, 35-38, 40-41, 94-95, 98, 115-122, 124-131 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16, 32-42, 83-89, 92, 94, 96, 98, 101, 104-106 of U.S. Patent No. 6,673,818.

A terminal disclaimer believed to obviate this rejection is attached to this paper.

### **IV. Conclusion**

If the Examiner believes a telephonic interview with Applicant's representative would aid in the prosecution of this application, the Examiner is cordially invited to contact Applicant's representative at the below listed number.

Respectfully submitted,



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